

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

| | | |
|--------------------|---|-----------------------|
| MERCK & CO., INC., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | C.A. No. 06-230 (GMS) |
| |) | |
| APOTEX, INC. |) | |
| |) | |
| Defendant. |) | |

STIPULATION AND ORDER TO EXTEND TIME

Plaintiff Merck & Co., Inc. and Defendant Apotex, Inc. do hereby stipulate, subject to approval by the Court, to an extension of time until and including June 29, 2006, to answer, move, or otherwise respond to the Complaint.

MORRIS, NICHOLS, ARSHT &
TUNNELL LLP

POTTER ANDERSON & CORROON LLP

By: /s/ James W. Parrett, Jr.
Mary B. Graham (#2256)
James W. Parrett, Jr. (#4292)
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899-1347
(302) 658-9200
mgraham@mnat.com
jparrett@mnat.com

Attorneys for Plaintiff Merck & Co., Inc.

By: /s/ Kenneth L. Dorsney
Richard L. Horwitz (#2246)
Kenneth L. Dorsney (#3726)
Hercules Plaza, 6th Floor
1313 N. Market Street
P. O. Box 951
Wilmington, DE 19899
(302) 984-6000
rhorwitz@potteranderson.com
kdorsney@potteranderson.com

Attorneys for Defendant Apotex, Inc.

SO ORDERED this _____ day of _____, 2006.